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ABSTRACT

The handbook helps American Indians and Alaskan Natives learn about their rights under the Bureau of Indian Affairs General Assistance (GA) welfare program. This program is run by the Bureau of Indian Affairs (BIA) and is only for Alaskan Natives and Indians in 15 states: Alaska, Arizona, Colorado (Southern Ute Reservation only), Idaho, Minnesota (Red Lake Reservation only), Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, and Wyoming. The handbook tells the reader where to look in the GA part of the BIA Manual, Section 3.1, to find the rights mentioned in the handbook. It also tells the number of the Bureau's rule on a subject for further reference. This handbook covers 5 main areas with subtopics: (1) welfare programs and definitions; (2) who can get GA and how to get it; (3) GA payments; (4) BIA decisions, records, and appeals; and (5) other programs, such as food programs and legal advice. (PP)

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YOUR RIGHT TO INDIAN WELFARE

A Handbook on the
BIA General Assistance Program

Clearinghouse Publication No. 45
United States Commission on Civil Rights
DECEMBER 1973

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ED 086428

YOUR RIGHT TO INDIAN WELFARE

A Handbook on the
BIA General Assistance Program

Clearinghouse Publication No. 45
United States Commission on Civil Rights
DECEMBER 1973

This handbook is being sent to tribes, Indian community action agencies, legal services programs and others.

The purpose of the handbook is to help Indians and Alaskan Natives learn about their rights under the Bureau of Indian Affairs General Assistance welfare program.

The handbook was written by two lawyers who have worked in a legal services program on an Indian reservation.

Once you know about this welfare program of the Bureau, you can make sure that everyone gets the help from it which he has a right to.

You may get more copies of this handbook from

U.S. Commission on Civil Rights
Washington, D.C. 20425

The Bureau of Indian Affairs may change its rules. When the Bureau does that, we may print a revised edition of this handbook with the changes in it.

ACKNOWLEDGMENTS

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WHAT IS IN THIS BOOK

Page

I. WELFARE PROGRAMS AND DEFINITIONS

The Welfare System 1

Where the Money For Welfare Comes From 2

BIA Welfare Rules 4

How To Use This Book 5

What General Assistance (GA) Is For 6

II. WHO CAN GET GA AND HOW TO GET IT

Who Can Get GA 8
- Indians and Alaskan Natives Only 9
- Residence 10
- Unavailability of Other Welfare 10
- Acceptance of Available Work 11

How You Can Get General Assistance 12

Talking With the Welfare Worker About Getting Money 13

Home Visits by the Welfare Worker 15

How Much Money You Can Have and Still Get GA 16
- Figuring the State Standard of Need 17
- Determining How Much Money Your Family Has 18
- Counting Your Resources and Other Property 20

Are You Still Eligible? (Reviews) 24

Page

III. GA PAYMENTS

Amount of Your Welfare Check 22
When You Get Your Check 23
Underpayments and Overpayments 24
Emergencies 35
Clothing for School Children 37
Help with Burial Expenses 39
Help in Taking Care of Old and Disabled People 39
Tribal Work Experience Program (TWEP) 40
How To Use the State Budget Charts 48

IV. BIA DECISIONS, RECORDS, AND APPEALS

The BIA Tells You Its Decision 28
You Do Not Like the Decision (Appeals) 30
Welfare Records About You Are Private 34
Checklist for When To Ask for a Hearing 44
Request for a Hearing 47

V. OTHER HELP

Food Programs 41
Group Action on a Welfare Rights 42
Help with Your Welfare Problems (Lawyers) 43

THE WELFARE SYSTEM

Indians and Alaskan Natives can often get money from State or Federal welfare programs.

Under the Social Security Act, these are the welfare programs available:

1. Old Age Assistance (OAA) for people over 65.
2. Aid to the Blind (AB).
3. Aid to the Permanently and Totally Disabled (APTD or AD) for disabled people.
4. Aid to Families with Dependent Children (AFDC) for poor families with children.

On January 1, 1974, the first three programs will be replaced by a new one called Supplemental Security Income (SSI).

There is one welfare program which is *only for Indians and Alaskan Natives* who need money. This program is run by the Bureau of Indian Affairs and it is called General Assistance.* This handbook is mostly about the Bureau General Assistance program.

* The Bureau runs this program in only these states: Alaska, Arizona, Colorado (Southern Ute Reservation only), Idaho, Minnesota (Red Lake Reservation only), Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, and Wyoming.

WHERE THE MONEY FOR WELFARE COMES FROM

The money for welfare programs comes from Federal and sometimes State and county taxes.

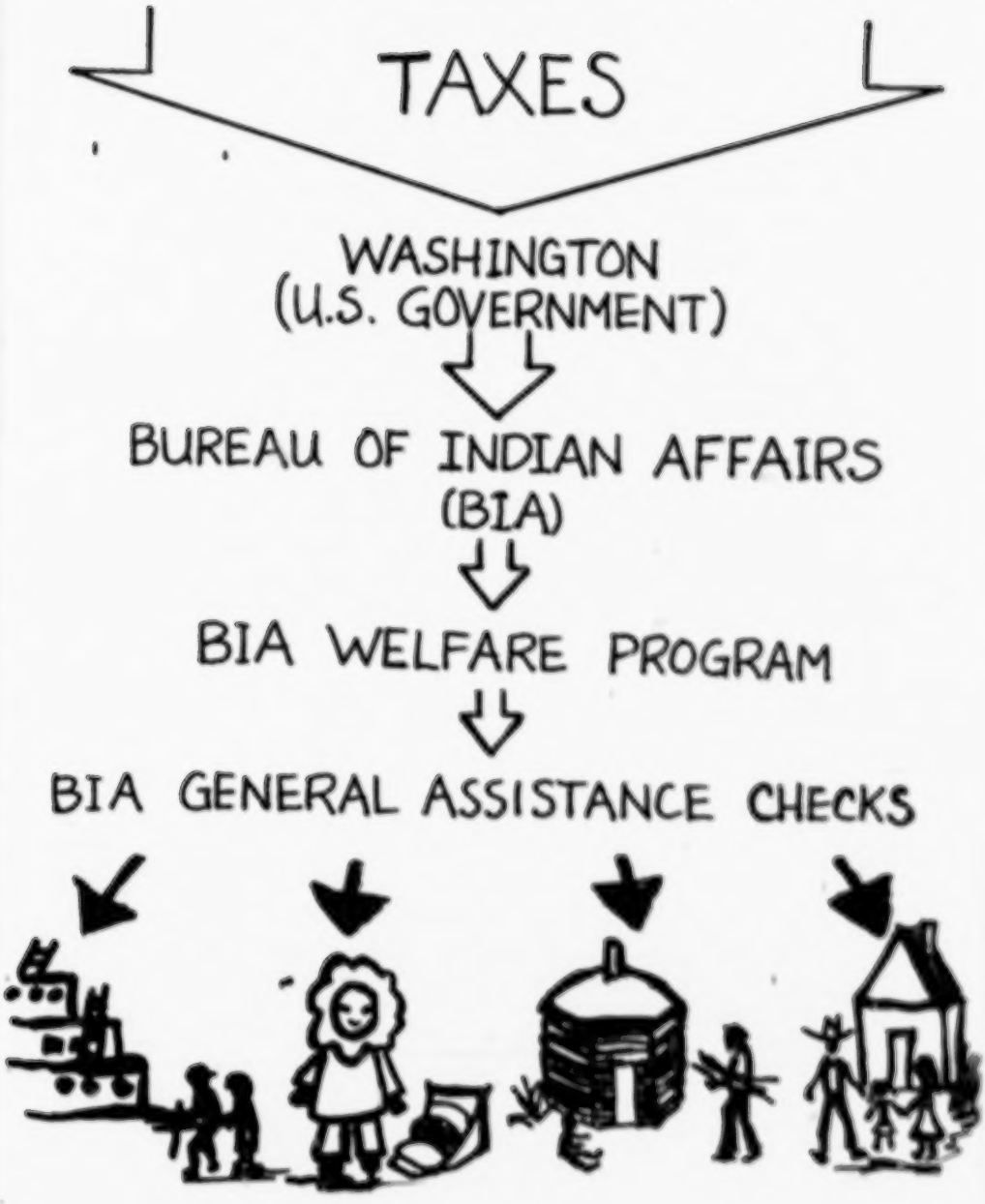
Taxes are collected from the poor and the rich. We all pay taxes on the money we earn and on things we buy.

For people who do not have enough money to live on and are eligible in other ways, *welfare is a right*, not a gift.

The money for the Bureau of Indian Affairs General Assistance program comes from the U.S. Congress in Washington, D.C. Under the Snyder Act,* the Congress gives the Bureau money to use "for the benefit, care and assistance of Indians throughout the United States."

The Bureau uses some of this money to help needy Indians.

* The Snyder Act is the law authorizing Congress to give money to the Bureau for many purposes including General Assistance. It is found at 25 United States Code § 13.


TAXES
WASHINGTON
(U.S. GOVERNMENT)
BUREAU OF INDIAN AFFAIRS
(BIA)
BIA WELFARE PROGRAM
BIA GENERAL ASSISTANCE CHECKS

BIA WELFARE RULES

The Bureau is supposed to run its General Assistance welfare program according to certain rules and regulations. These rules and regulations are in the General Assistance part of the Indian Affairs Manual, Section 3.1.

Everyone has a right to read and copy pages of the Manual at a BIA Welfare Office. The rules in the Manual are public information, and the Freedom of Information Act * says that the Bureau must allow you to use the Manual.**

The welfare worker must use the Manual. Sometimes the welfare worker does not follow the Manual and turns people down for assistance or cuts them off welfare even though they are eligible under the Manual.

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* This law is found at 5 United States Code § 552.

** The Bureau may try to charge for copies of parts of the Manual, but you should point out that you do not have enough money to pay for copies of the welfare rules. If the BIA will not let you see or copy the Manual, you should see a lawyer. See page 43.

HOW TO USE THIS HANDBOOK

This handbook tells you where to look in the Manual to find the rights talked about here. It tells the number of the Bureau's rule on a subject so that you can use it when you talk to the welfare people about your rights.

Remember this handbook is *not* the official Bureau Manual, but it will help you learn to use that Manual.

For example, the general policy of the General Assistance program is found in 66 IAM 3.1.1. "66 IAM 3.1.1" is called a citation. All citations to 66 IAM _____ refer to the Bureau's Indian Affairs Manual.

Citations or references to other rules or pages are in starred (*) footnotes at the bottom of the page.

The Manual contains the rules the welfare office uses. A few rules in the Manual do not follow other, higher federal laws. When this happens, a court may tell the Bureau to change its rule.*

* See page 10 on the rule that Indians must live on a reservation to get GA Assistance. A United States court agreed with Papago Indians and said that this rule is wrong.

"BIA" is a short way of saying Bureau of Indian Affairs. "GA" is a short way of saying General Assistance.

An "applicant" is someone who is asking the welfare office for welfare money. A "recipient" is someone whose request for money has been approved and who receives a welfare check.

"Handbook" means this handbook on Bureau of Indian Affairs General Assistance. Quotation marks "_____" mean that the words in between are taken word for word from the Manual or another book.

WHAT GENERAL ASSISTANCE IS FOR

According to the BIA Manual, "The purpose of the general assistance program is to provide necessary financial assistance to needy Indian families and persons living on reservations under the jurisdiction of this Bureau and in jurisdictions under the Bureau of Indian Affairs in Alaska and Oklahoma." 66 IAM 3.1.1.

GA money (financial assistance) can be given in two cases:

1. When a person or family does not have any income or resources (things people own) to meet living needs,

2. When a person or family has some income (like wages, lease payments, Social Security) or resources, but not enough money to live on.

GA money is given to needy persons or families when they have no money or too little money on which to live.

WHO CAN GET GENERAL ASSISTANCE

66 IAM 3.1.4

Besides being in need of money (see pages 16-21), you must meet four requirements called eligibility conditions before you can receive GA.

These conditions are:

1. You must be an Indian or Alaskan Native.
2. You must live on an Indian reservation or in Alaska or Oklahoma.
3. You cannot receive other welfare money.
4. You must be unable to find a job that you can do, or, if you have a job, it must pay too little to live on.

1. **GA is for Indians and Alaskan Natives only** *— To be eligible for GA, you must be:

a. a descendant (son, daughter, grandchild, great-grandchild) of a person who belonged to an Indian Tribe which is recognized by the United States Government and has not been "terminated," or

b. an Alaskan Native.

You do *not* need to be an enrolled member of a tribe to get GA.

Only in Alaska and Oklahoma, the head of your household must have at least one-quarter Indian or Native blood.

When an Indian (or Native) man is married to a non-Indian, the BIA gives GA to the Indian members of the family.

But when an Indian (or Native) woman is married to a non-Indian, the family can get BIA GA only after it has asked for welfare from the State or county and been turned down. If the family meets the other eligibility conditions, the BIA may give GA to the Indian members of the family.

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*This is not in the Manual. It is based on information received from the Chief of BIA Welfare in Washington, D. C.

2. **Residence**—The Manual says that you must live on a reservation or in Alaska or Oklahoma.* 66 IAM 3.1.4A.

But there is no rule requiring that you live there for a certain time before you can get GA. If you are eligible in other ways, you can get GA as soon as you move to a reservation or to Alaska or Oklahoma.

3. **Unavailability of other welfare**—Persons receiving other welfare (like Aid to Families with Dependent Children) and persons included in another person's welfare check cannot get BIA GA. 66 IAM 3.1.4B.

Some States, counties and towns have their own general assistance programs. If the State or local general assistance program is available to Indians where you live, you cannot get GA from BIA. 66 IAM 3.1.4B.

Food stamps and surplus commodities are not counted as other welfare, and you can get GA even though you get food help. 66 IAM 3.1.7B(1)(d).

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*This rule has been questioned in a court case called *Ruiz* v. *Morton*. In this case a court said that the Snyder Act does not limit GA to Indians who live on reservations. The court said that GA is for needy Indians wherever they live, and that the BIA rule is illegal. But the BIA has not changed its rule because the BIA is taking the case to a higher court.

You can get temporary GA money when you are waiting for a decision on your application for State welfare. You can get this temporary money until you receive your first State welfare check. 66 IAM 3.1.4B.

4. **Acceptance of available work**—GA applicants and recipients are expected to look for and take jobs they are physically able and skilled to do. 66 IAM 3.1.4D.

You are not expected to work if:

a. no jobs are open in your area that you can do.

b. you don't have transportation to a job away from home.

c. you cannot work because of poor health or illness.

d. the job pays lower wages to you than to others.

e. taking the job would cause family problems or make your children stop school.

f. you need to stay at home to handle family problems or take care of your children or someone in your family who is sick.

If you have a job or get one, you may still get GA if your wages are so low that you and your family are in need. (See pages 18-19.)

HOW YOU CAN GET GENERAL ASSISTANCE

66 IAM 3.1.5.

An application is a request for welfare. Every Indian who thinks he or she needs money has a *right to apply* at the local BIA office. It is usually called the "Social Services Office."

You can apply in person or by letter. If you cannot go yourself or write a letter, then someone may act for you. You may want to take someone with you to help when you apply in person or when you talk with the welfare worker at other times.

You have the right to a fast decision on your request for assistance.

The BIA welfare worker must tell you the rules about who is eligible for the GA program. He must tell you how he figures your need and the amount of your welfare check. He should also tell you what your responsibilities are if you get GA.

TALKING WITH THE WELFARE WORKER ABOUT GETTING MONEY

66 IAM 3.1.5. and 3.1.6

The welfare worker will ask you questions when you apply for help. He will ask:

1. about your family (the names and ages of family members and where your children go to school).

2. how much money you get (from a job, benefits, lease or royalty income, craft work, selling livestock, hauling wood and water for other people, etc.).

3. if you pay rent.

4. if you have a car or truck.

Sometimes the welfare worker will check your answers with other people. You should be the main one to give the information.

If the welfare worker wants to ask other people about you (for example, about your health or the money you receive), he must tell you before he does it.

He is supposed to tell you whom he plans to ask and what he will ask them. Usually he will ask you to sign a paper allowing others to give information about you.

To speed your request for money, you should take these papers with you when you apply for GA, if you have them:

1. Your census card or number or family birth certificates.

2. Social Security number.

3. Number of your IIM account (Individual Indian Money account).

4. Receipts or written statements about wages or benefits (see pages 18-19).

5. Receipts for rent you pay.

6. Car or truck payment book.

7. Receipts from sale of livestock.

If you need money for just one or two things (like food or clothing) for a short time, then you can ask for a little money. This is a request for limited assistance. 66 IAM 3.1.7.

But if you will need money for a longer time, be sure that the welfare worker takes your application for *continued general assistance* and not just for limited or emergency help.

HOME VISITS BY THE WELFARE WORKER

66 IAM 3.1.6.

Sometimes the welfare worker will want to go to your home and talk with you there.

If the welfare worker comes to your home when it is not a good time for you, you may want to ask him if he can come back another time.

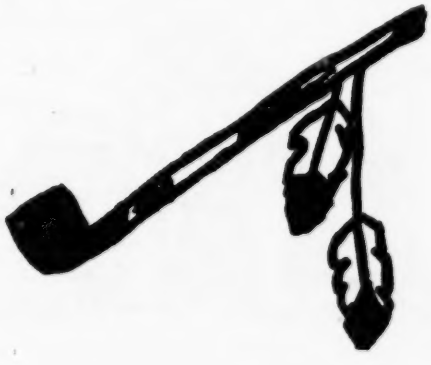
HOW MUCH MONEY YOU CAN HAVE AND STILL GET GA

66 IAM 3.1.7. and 3.1.8.

Welfare is based on need. You are in need when you do not have any money or when you do not have enough money to live on.

Your welfare worker figures your need by subtracting your net income * from the amount of money your State Welfare Department says your family needs. This amount of money is called the *State standard of need.*

When your net income is more than the State standard of need, you cannot get GA even though you are needy!



*Net income means money left after you take away the expenses of making the money. See page 19.

1. Figuring the State Standard of Need

First, the welfare worker figures the amount that your State Welfare Department says your family needs. For families with children, the State standards of need for Aid to Families with Dependent Children (AFDC) are used. 66 IAM 3.1.7A.

The State standard of need depends on the number of people in the family.

Each State pays different amounts. States decide the amounts by fixing costs for basic needs like food, clothing, housing, fuel, and utilities.

Some States also allow money for special needs. An example of a special need is books for school children who have to buy them. Special needs are different in different states. If a family has one of these special needs which is allowed by the State where it lives, then the family's welfare check will be bigger. 66 IAM 3.1.7A(2).

In figuring the State standard of need, all needy people in the family are counted. 66 IAM 3.1.7A(3). A family is made up of people living together with one family head. These people are related to each other or are accepted by the head of the family as members of the family.

2. Determining How Much Money Your Family Has

After determining the State standard of need for your family, the welfare worker figures the amount of money that you get free and clear every month. 66 IAM 3.1.7B. You can get BIA welfare if the money you get each month is less than your State standard of need.

Example: You receive $75 from the Veterans Administration every month, and your State standard of need is $100. You can get a GA welfare check for $25 a month. ($100 less $75 equals $25.)

The BIA welfare worker cannot use State Welfare Department rules to figure your income and resources. For example, Arizona puts a limit of $1,200 on a family's resources, no matter how large the family is. But the BIA may not use this limit itself.

Income the welfare worker will subtract from your State standard of need includes:

a. *Net wages from a job.* This means the money left after the expenses of making the money have been taken away. Expenses include fees, dues, the costs of transportation to work, licenses, child care, tools and clothes you have to buy for the job, and money taken out of your paycheck for taxes.

   The earnings of your school children are not counted if you plan to use this money for their education or training. 66 IAM 3.1.7B(1) (a).

b. *Net earnings from working for yourself.* Count the amount left after you take away all your expenses for such things as repair, upkeep, and purchase of farm equipment, cost of feed, and cost of craft materials. You work for yourself when you farm, raise livestock, or work on arts and crafts at home. 66 IAM 3.1.7B(1) (a).

c. *Money from a pension or benefit.* Examples are Social Security, veteran's benefits, unemployment compensation, railroad retirement benefits, and accident insurance benefits. 66 IAM 3.1.7B (1) (b).

The BIA may not count as income:

a. Your lease, rental, per capita or IIM account money if you show you need the money to pay for home improvements, to buy things for your house, to pay for education or job training, etc. 66 IAM 3.1.7B(1)(c).

b. Small amounts of fuel or food produced by you or given to you. 66 IAM 3.1.7B(1)(d).

c. Surplus food commodities and food stamps. 66 IAM 3.1.7B(1)(d).

3. Counting Your Resources and Other Property

Next, the welfare worker will determine what resources, property, and assets you have.

Resources are things that could be sold—like a car, a house, or jewelry. Most things you own cannot be counted as resources if you use them for day-to-day living. 66 IAM 3.1.7B(2)(b).

Your home cannot be counted as a resource or source of income unless you rent some or all of its rooms to other people. You need a place to live. 66 IAM 3.1.7B(2)(a).

The welfare worker cannot count as a resource your furniture and equipment, personal things like jewelry or clothing, or the value of a car or truck which you need to get around.

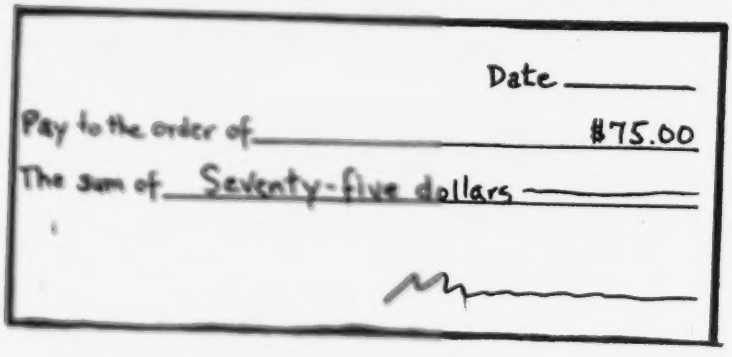
You can see that you do not have to be flat broke to get GA. Usually, if you have less money coming to you each month than the State standard of need, you can get GA.

AMOUNT OF YOUR WELFARE CHECK

66 IAM 3.1.8

If the welfare worker decides that you are eligible for GA, then he subtracts your net income from the state standard of need for your family. What is left is your welfare grant. This will be the amount of your welfare check.

Example: If your net income is $100 each month and your State standard of need is $175, your welfare check will be $75. ($175 less $100 equals $75.) *



In most states, people who receive BIA GA usually get more money than they would get from State welfare. This is because BIA pays the full State standard of need. State welfare programs usually pay less than the full amount the State says you need.

*Pages 43-49 of this handbook tell how you can use the State welfare budget charts to figure how much your check should be.

The Manual says that you can get a larger amount for fuel in the winter months and a smaller amount for fuel in summer, if you wish. 66 IAM 3.1.7A (1).

WHEN YOU GET YOUR CHECK

66 IAM 3.1.8

Welfare payments may be made to you near the first of the month, every two weeks or every week. You should let your welfare worker know what is best for you.

Payments must be made by check which you then can cash.

ARE YOU STILL ELIGIBLE?

66 IAM 3.1.9

After you start getting your welfare checks, your welfare worker will go over, or review, your case. The worker probably will do this two times a year. The worker may ask you to come to the welfare office or he may visit you at home.

It is important that you tell or write your welfare worker as soon as there is a change in your family's income, size or living arrangements.

You must do this so that your welfare check will not be smaller or larger than it should be.

UNDERPAYMENTS AND OVERPAYMENTS

(Not in Manual)

An underpayment occurs when your welfare check is smaller than it should be. If you have been underpaid, you should be paid back the amount of the underpayment.

Suppose the welfare worker forgot to subtract from your wages the costs of getting to work or forgot to include all your children in your welfare grant. You would be underpaid.

If the Bureau refuses to pay the amount of the underpayment, you should ask for a hearing.

Sure, Aunt Rose, you may stay with us for awhile, but we'll have to tell our welfare worker we have one more person living with us.

An overpayment is when your welfare check is larger than it should be. This would happen when, for example, the welfare worker did not know about all your income and made your check too large.

If you have received too much money, the Bureau may try to get the overpayment back. Usually the welfare worker will stop your check or make it smaller until the money kept by the Bureau equals the overpayment.

Example: If you have been paid $100 too much, the Bureau might subtract $10 each month from your next 10 welfare checks. ($10 times 10 equals $100.)

You should argue that your welfare check should not be made smaller because of an overpayment if you will not have enough money left to live on.

You should say that reducing your check is not fair because it takes away the support you must have to live.

Sometimes an overpayment will be the welfare worker's fault. In cases like this, people have told BIA that they should not have to pay back the money, because the mistake was not their fault and they do not have enough money left to live on.

Examples of welfare workers' mistakes are:

1. If the welfare worker does not tell you to tell him when your family size or income changes.

2. If you tell him about changes but he is too busy or forgets to change your case record right away.

THE BUREAU TELLS YOU ITS DECISION

The Bureau must give you written notice of the welfare worker's decision on your GA application. 66 IAM 3.5.

The Bureau must give you written notice of the welfare worker's action on your case if you already receive GA. 66 IAM 3.9.

The courts have said * that the welfare office cannot stop (terminate), suspend (skip one or two checks), or even reduce (make smaller) your welfare check without first giving you:

1. Written notice of the reasons.

2. A chance for a hearing ** before the proposed action is taken.

3. A chance to see and question the people involved in the welfare worker's decision.

4. A chance to explain the situation.

5. A chance to get a lawyer, if you want one.

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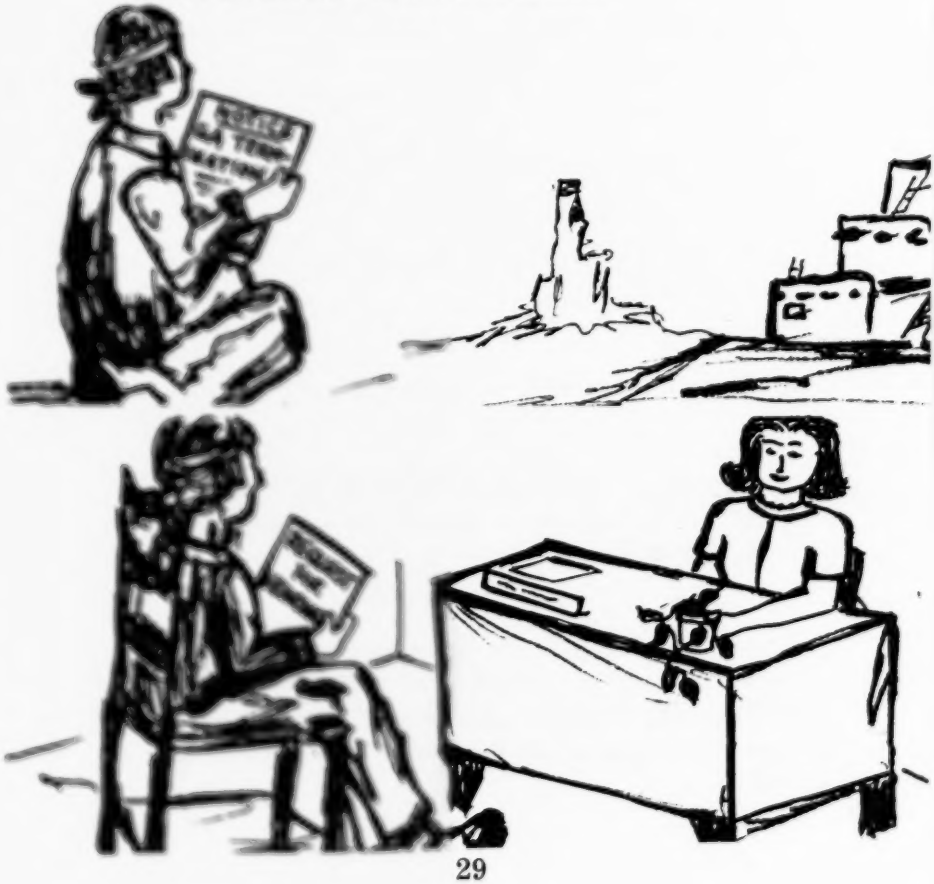
*_Goldberg_ v. _Kelly_, a case decided by the U. S. Supreme Court in 1970, is the main case on this subject.

**See page 30.

The Manual is supposed to tell you that you have the right to a hearing *before* your GA check is cut or ended. Even though the Manual leaves out that right, the courts say you do have it.

The Manual does say that if you ask for a hearing *after* your GA has been cut or stopped, you must get the full amount of your GA until the hearing is held and the decision is made. 66 IAM 3.10.



YOU DO NOT LIKE THE DECISION

66 IAM 3.10

An *appeal* is a review of a welfare worker's decision by somebody who does not work in the welfare office.

If the welfare worker makes a decision or does anything that you think is unfair, wrong, or illegal, you should ask for a hearing.

A hearing is a meeting at the BIA office with:

1. The BIA Superintendent (or someone he chooses),

2. The welfare worker and his supervisor, and

3. Any people you want to take with you (a lawyer, a friend, someone to speak for you, a relative, or one or more witnesses).

The welfare worker tells his side of the story (the welfare worker's statement is read) and you tell your side. Then any witnesses you brought can speak for you and you can question the welfare worker about what he did.

See the checklist on page 44 of this handbook for situations in which you should ask for a hearing.

The Manual sets out these steps in a BIA GA appeal:

1. You may ask for a review with your welfare worker. This means you will talk over the action or decision with him and his supervisor.

2. You may skip step 1 and ask *in writing* for a hearing before the agency Superintendent. (See form on page 47.) Or, if you were not satisfied with the review of your case (step 1) you may also ask for a hearing.

3. Your request for a hearing must be made within 20 days after the welfare worker mails the decision notice or after you get it. A request made after 20 days is OK if you can show a good reason for making it late. Example: You do not have a car with which to pick up your mail regularly.

4. When the Superintendent receives your request, he must hold a hearing within 10 days. He must send you a written notice of the date of the hearing.

5. The BIA welfare office must give the Superintendent a written statement about the case. If you ask for a copy, it must be given to you before the hearing.

6. You may also make a written statement about the case, if you want to, but you do not have to.

7. At the hearing, you have the right to be represented by a friend, lawyer or anyone else. See form on page 47 authorizing someone to speak for you.

8. At the hearing, you may have your witnesses speak. You may question the welfare worker, the supervisor and any of their witnesses about what they said and did. You may ask questions about the written statement the welfare office made.

9. Usually the Superintendent runs the hearing and listens to both sides. He may have someone else (a "hearing officer") do it. The hearing officer must not work in the welfare office and must be impartial (fair).*

*Goldberg v. Kelly (see page 29) says this.

10. At the hearing, the welfare worker's statement is read out loud. Then other people speak. A record (tape recorded or in secretary's notes) is kept of what people say at the hearing. You can get a copy of this record by asking for it in writing.

11. Within five days after the hearing, the Superintendent must send you or give you a written copy of his decision. This decision should tell you how to appeal if you do not like it.*

12. If you ask for a hearing because the welfare office has stopped your check or made it smaller, BIA must give you your regular GA check until after the hearing. You have a right to keep getting this amount of GA until the Superintendent has made his decision on your appeal.

*The next appeal is to the Area Office, then to the Commissioner of Indian Affairs, and then to the Secretary of the Interior. The last two people are in Washington, D.C.

WELFARE RECORDS ABOUT YOU ARE PRIVATE

66 IAM 3.1.11

The welfare office keeps what is called a "case record" on each application for assistance and each family that receives GA. These case records have all the information that the welfare worker has about the family—the budget figures, statements about actions on the case, etc.

The case record is confidential. That means other people are not supposed to see it, or be given information from it, without your OK.*

When you are preparing for a hearing, BIA should let you or your representative see the parts of your case record which the welfare worker used in preparing for the hearing.

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*66 IAM, Chapter 2, Section 201 says:

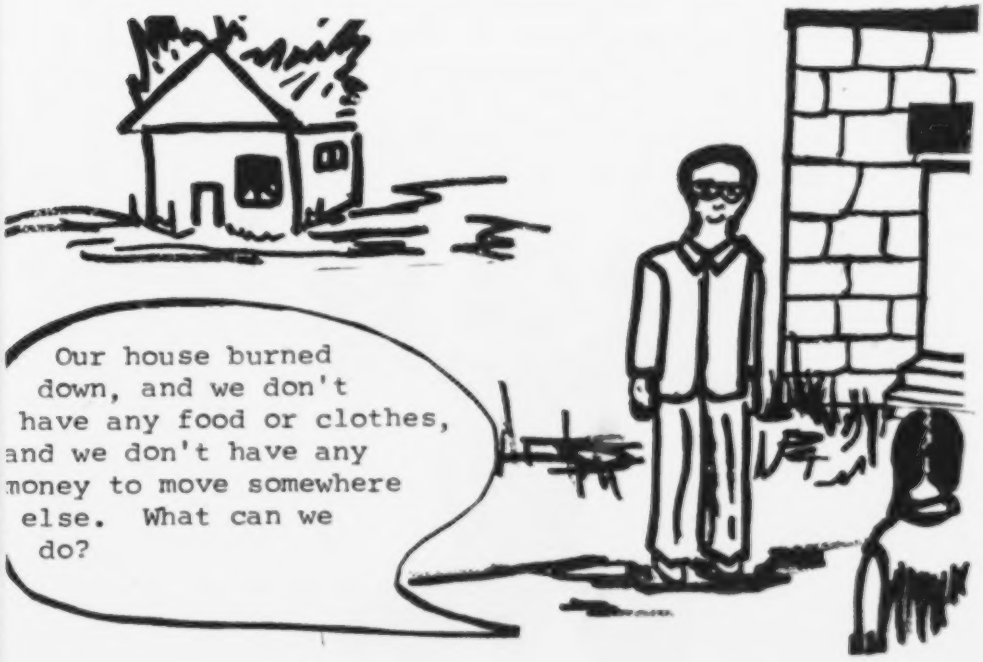
"Information given by or about persons making application for . . . assistance shall be confidential and shall not be disclosed to unauthorized persons without consent of the applicant."

EMERGENCIES

66 IAM 3.1.8

Some BIA welfare offices refuse to give emergency help. When that happens, show this section of the Manual to your welfare worker:

"In emergency situations a supplementary voucher may be submitted to meet immediate and pressing need . . . Imprest funds may be used to meet an emergency need . . . purchase orders for subsistence needs may be used to prevent hardship, or to meet an emergency when a delay would cause hardship or suffering."

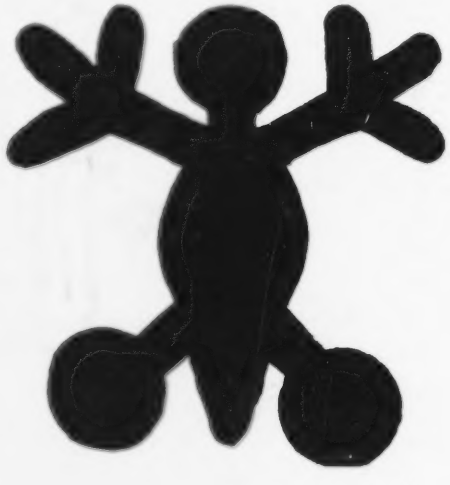


BIA welfare offices have given emergency help when:

1. There is no food for the family.
2. The family has no money for rent.
3. There was a fire which burned up household goods or the house.
4. Clothes have been lost or destroyed.
5. And in other emergencies.

A purchase order is a piece of paper which gives you permission to buy a certain money amount of things at a local store. The BIA welfare office may give you a purchase order in an emergency.

If you need welfare for a longer time than the emergency, be sure to apply for regular GA *and* emergency help.



CLOTHING FOR SCHOOL CHILDREN

66 IAM 3.1.12C

Families receiving GA who have children going to school can get two lump sum payments for school clothing. * The first lump sum payment is usually given before school starts so that back-to-school clothing can be bought. But this payment can be given after school starts if you did not get it before.

The second lump sum payment for school clothing is given six months after the first one.

The amount of these payments is $100 for each of your children in school or six times the amount of money which the State standard of need allows for clothing for one month for a child. You should get *whichever amount is larger.*

The State-need amount for clothing for your school children is then taken away from your regular monthly welfare check for the next six months. If you get $100 for each school child, you are getting some extra money for school clothing. And you get the money when you need it. So be sure to ask for the lump sum grant for school clothing.

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*This is a new rule explained in a letter to all BIA Area Directors, dated June 7, 1973. Ask your social worker about it.

These clothing grants may be given in different ways (check, purchase order, or cash). You or your child should help choose the way you want to receive this money.

Ask for your clothing grants a month before you want them. If you get one lump sum grant for school clothing in August, remember that you should get the other clothing grant in February.

HELP WITH BURIAL EXPENSES

66 IAM 3.1.12A

In certain cases the BIA welfare office will pay the costs of burial and up to $100 toward the cost of returning a body to the reservation for burial if there is not enough money to pay these costs. The Indian does not have to be getting GA when he or she dies.

HELP IN TAKING CARE OF OLD AND DISABLED PEOPLE

66 IAM 3.1.12B

If a person is too old or too sick to care for himself, BIA may pay a boarding or nursing home to take care of the person in certain cases.

TRIBAL WORK EXPERIENCE PROGRAM

66 IAM 3.1.12D

BIA may contract with or agree with, an Indian Tribe to have a Tribal Work Experience Program (called TWEP) for heads of households eligible for GA.

If the head of the household (usually the father or mother) cannot work, someone else from the family may take his place. The TWEP program is supposed to give you useful work experience and training to help you get a regular job.

You do not have to work in the TWEP program unless your Tribe requires it. Before the Tribe can make a rule like that, it must get the OK of the Central Office of the BIA in Washington.

If you work in TWEP you get your regular welfare check plus $40 extra each month.

FOOD PROGRAMS

There are two main food programs. One is the *surplus commodity program* which gives certain kinds of food each month to needy people.

The other program is the *food stamp program*. You buy food coupons to use at a grocery store or supermarket to purchase food.

If you are getting welfare, you should get commodities or food stamps. Ask your welfare worker for more information.

Even if you do not get welfare, you may be able to get commodities or food stamps if you do not have enough money to live on.

There are also *school breakfast and lunch programs* in most schools for children from needy families. Make sure that your children are getting free breakfasts and lunches at your school.*

*Write the Food Research and Action Center, 25 West 43rd Street, New York, New York 10036 for information.

GROUP ACTION ON WELFARE RIGHTS

As you can see, the GA program is sometimes hard to understand. You have rights under the GA program to be treated fairly and courteously.

Across the country, poor people and welfare recipients are getting together, holding meetings and organizing welfare rights groups.

Welfare rights organizations have been started on the Turtle Mountain, Papago, Pine Ridge, and Winnebago reservations. These welfare rights groups have:

1. Gotten information about welfare and told others.
2. Helped people with welfare problems.
3. Spoken for people at welfare hearings.
4. Worked to change welfare rules.

All welfare groups have found that it is easier to do things together to make sure that welfare recipients get fair treatment.

Local welfare rights groups help poor people learn their rights and get their rights.

To find out more about group action and organization, you can write the National Welfare Rights Organization, 1424 16th Street, N. W., Washington, D. C. 20036. They will send you free information.

We all belong to the welfare rights organization here, and we want to talk with you about the Bureau's policy of sending GA recipients to work on farms in faraway places.
We don't think it is right.
WELFARE

OTHER HELP WITH YOUR WELFARE PROBLEMS

Legal Services Programs can give you free legal help with your welfare problems. Addresses of Legal Services Programs on or near Indian reservations and in Alaska and Oklahoma are listed in the back of the "American Indian Civil Rights Handbook." You can get this booklet free from:

U. S. Commission on Civil Rights
Washington, D. C. 20425

WHEN TO ASK FOR A HEARING

Ask for a hearing if the BIA welfare worker does one of these things, because it may be wrong or illegal:

1. Refuses to let you use or copy the BIA GA Manual.

2. Refuses to take your application when you ask for help.

3. Refuses to give you GA when State welfare will not help you.

4. Refuses your request for help or stops your welfare check because he says that you must work and you say there are no jobs, or that you cannot do those jobs because you are ill or are needed at home, or you do not have a way to get to the job.

5. Stops your welfare check because there is farm work to do, but you cannot do the work because you are ill, you are needed at home, or you do not have a way to get there.

6. Asks you questions when you apply for GA about things that are not related to welfare. Example: asks about your religion.

7. Refuses your request for emergency assistance.

8. Gives you emergency assistance only, when you need a regular welfare check.

9. Takes too long to decide if you can get welfare.

10. Denies your application for help because he says you have too many resources and you say you need those things for day to day living.

11. Acts rude or insulting to you.

12. Fails to subtract your expenses in making income, if you have income.

13. Counts as income:

    a. your lease, rental, per capita or I I M account money when you need that money to pay for home improvements, to buy things for your house, education, etc.

    b. surplus food commodities or food stamps,

    c. small amounts of fuel or food produced by you or given to you.

14. Delays your check (makes it come late).

15. Tries to collect an overpayment that is the welfare worker's fault.

16. Tries to collect an overpayment by cutting off your welfare check or making it smaller, when you do not have other money to live on.

17. Refuses to pay for underpayments.

18. Refuses to give you clothing assistance, burial assistance, or assistance for care of old or sick people, when you think you are eligible for that help.

19. Refuses to let you see the parts of your case record that the welfare worker used in preparing for your hearing.

20. Says that you must work in TWEP when you are ill or don't want to.

21. Takes other action that you do not like.

Remember, in all these situations you can ask for a hearing.

REQUEST FOR HEARING

TO: BIA Welfare DATE:

(town) (state)

1. I, , live at

(name)

(address)

and I ask for a hearing because I think the welfare office has been unfair to me, and also because

(put other reasons here)

2. I ask that a copy of the welfare worker's summary statement be given to me or to my representative before the day of the hearing, and that we be allowed to file a written statement within three days after the hearing, if we want to.
3. If on welfare, I ask that my assistance continue while this appeal is going on.
4. I want a copy of the record of the hearing.
5. I authorize as my representative for this welfare appeal

(name and address)

or anyone working with him or her. I also give my okay for all confidential and other information relating to the appeal to be given to my representative by any person or agency.

(signature, mark or thumbprint of person asking for hearing)

Witnesses:
(if thumbprint or mark)

HOW TO USE THE STATE BUDGET CHARTS

When your welfare worker figures how much your GA grant should be, he uses the State welfare budget charts. If you want to try to figure how much your grant should be, ask your welfare worker to show you the State budget chart used for your family.

Since most people receiving GA have children, the BIA usually uses the State budget for Aid to Families with Dependent Children (AFDC).

Some States have different budget plans. There are plans for people who live in their own home, people who pay rent or mortgage payments, and people who share a house with another family. You should find the plan on the chart which fits the way you live.

If you *do not have income* which is counted (see pages 19-20), you can figure your grant this way:

1. Figure how many people are to be counted in the welfare grant.
2. Look at the chart for your State at your BIA (or State) welfare office.
3. Find the amount of money allowed for basic needs in your State's budget for the number of people to be counted.
4. Add what you pay for rent up to the limit (maximum) shown on the chart if rent was not included in basic needs.

5. Add any amount for special needs you have that are allowed by your State.

BASIC NEEDS (allowance or requirements)

+ SHELTER COSTS (if rent is not called a basic need)

+ SPECIAL NEEDS (if you have them and the State allows them)

TOTAL NEEDS ALLOWED (GA for people with no income)

If you *do have some income* which is counted, you can figure your GA grant this way:

1. Do the same five steps just given.
2. Figure your income received each month and subtract from it the costs of making that money (see page 19 for examples of such costs). This number is your Net Income.
3. Subtract your Net Income from the Total Needs Allowed.

TOTAL NEEDS ALLOWED

— NET INCOME

TOTAL ALLOWED (GA for people with income)

If you think you are getting the wrong amount of GA money, talk with your welfare worker and have him explain how your grant was figured. If you still think your grant is wrong, see a lawyer. (See page 43.)